

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

EMILY A.,)	
)	
Plaintiff,)	
)	
v.)	2:19-cv-00071-JDL
)	
ANDREW M. SAUL, Commissioner of Social Security,)	
)	
Defendant.)	

ORDER ON MOTION FOR FEES AND EXPENSES

Emily A. previously applied for supplemental security income under the Social Security Act. The Social Security Administration Commissioner denied her application, and Emily A. sought judicial review of the Commissioner’s decision. This Court vacated the Commissioner’s decision and remanded the matter to the Commissioner. Emily A. now moves for an award of fees and expenses in the amount of \$4,527.00 under the Equal Access to Justice Act (“EAJA”), 28 U.S.C.A. § 2412 (ECF No. 30). The Commissioner does not object to an award of fees in the amount Emily A. requests.

Because Emily A. previously assigned any and all rights to EAJA fees to her attorney, she requests that the Court direct payment to her counsel rather than to herself. However, as the Commissioner contends, EAJA fees are payable to Emily A. as the prevailing party, and they are subject to offset through the Treasury Department’s Offset Program to satisfy any preexisting debt that Emily A. may owe to the government. *Traci H. v. Berryhill*, No. 1:16-cv-00568-JAW, 2019 WL 166543, at *1 (D. Me. Jan. 10, 2019) (citing *Astrue v. Ratliff*, 560 U.S. 586 (2010)). If,

subsequent to the entry of this Order, the Commissioner determines that Emily A. owes no debt to the government that would subject this award of attorney's fees to offset, the Commissioner may honor Emily A.'s signed assignment providing for the payment of EAJA fees to her counsel, rather than to her. *See id.* If, however, the Commissioner discovers that Emily A. owes the government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Emily A., rather than to her counsel. *See id.*

Accordingly, Emily A.'s motion for EAJA fees and expenses (ECF No. 30) is **GRANTED**, with payment directed as provided above.

SO ORDERED.

Dated: July 21, 2020

/s/ JON D. LEVY
CHIEF U.S. DISTRICT JUDGE